

The National Football League schedules 20 weeks of contests over 5 months to determine its champion. The Presidential nominating process, on the other hand, uses the equivalent of two preseason games in Iowa and New Hampshire to narrow the field to two or three—and sometimes they effectively pick the winner.

The NFL wasn't always so wise. In the 1930s, league owners rearranged schedules after the first few games so that teams that were doing well could play one another. This was good for the Chicago Bears, for example, but not for the league. Fans in other cities quit going to the games—just as voters in most States have quit voting in Presidential primaries.

Bears owner George Halas and others created today's competitive system in which almost any one of 32 teams can hope to make the playoffs. Green Bay can make it because the league makes sure that even smalltown teams have enough revenue. Prime-time television opportunities are rotated. Each Monday, senior officials in the league's New York office grade every call and no call to second-guess even the instant replays.

Professional football has become America's game because it symbolizes the most important aspect of the American character: If you work hard and play by the rules, anything is possible. As a result, 8 of 10 of the most watched network television shows have been Super Bowls; 98 of the 100 best watched cable television games have been NFL games.

Every September, the NFL fields 32 teams, almost all with a shot at the playoffs. Every 4 years, the Presidential nominating process does well to attract a half dozen credible candidates for the biggest job in the world. All but half are effectively eliminated after two contests. If professional football were Presidential politics, Sportscenter would pick the Super Bowl teams after 3 or 4 preseason games.

These two steps would fix the Presidential nominating process:

No. 1, spread out the primaries. Twenty-eight primaries are crammed into 5 weeks after New Hampshire. Congress should assume the role of Paul Tagliabue. Create a window between February and May during which primaries may be held every 2 weeks. Iowa and New Hampshire could still come first, but they would become off-Broadway warmups and not the whole show.

The second step that would fix the process would be to allow more money—to raise their first \$10 million, let candidates collect individual "start-up contributions" of up to \$10,000. Today's \$2,000 limit makes it impossible for most potential candidates to imagine how to raise, say, \$40 million. During 1995, when I was a candidate and the individual limit on contributions was \$1,000, I fattened 250 fundraisers in that 1 year to collect \$10

million. The combination of the new \$2,000 limit, the increased coverage of new cable channels, and the growth of the Internet have made it easier to raise money.

Still all but Senator KERRY was short of cash after New Hampshire. Put it this way: The Packers would never make it to the playoffs under the revenue rules of Presidential primaries.

Mr. President, 45,000 Iowans voted for JOHN KERRY in the first caucus. About 83,000 New Hampshire voters voted for him in the first primary. More Americans actually attended last night's Super Bowl game in Houston, TX, than voted in either Iowa or New Hampshire. Ninety million others watched the Super Bowl game on television.

Perhaps we should learn something from America's game about how to pick a President. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### "A TRUST BETRAYED"

Mr. DASCHLE. Mr. President, a recent article in the January 26, 2004 edition of TIME Magazine entitled "A Trust Betrayed" has again reminded the Nation of the shameful and illegal manner in which the United States treats Native Americans.

A pending class action lawsuit alleges that the United States owes over \$100 billion to some 500,000 Native Americans. For over 100 years, the Department of Interior has served as the trustee for the proceeds from the leasing of oil, gas, land and mineral rights on Indian land, yet the Department cannot tell us how much is owed or to whom it is owed. This money is desperately needed to address basic human needs and stimulate economic development.

There are important legal issues at stake. The concepts of sovereignty, treaty rights, and government-to-government relations all come into play.

Indian trust reform is also a civil rights issue. We are becoming a much more diverse country. How can Hispanic Americans, or African Americans, or anyone else, trust the United States if we are still breaking our legal obligations to our first Americans?

I commend this article to the attention of my colleagues, and once again

urge the Department of Interior to provide the accounting required to all Native Americans.

I ask unanimous consent to print the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time Magazine, Jan. 26, 2004]

#### A TRUST BETRAYED?

NATIVE AMERICANS CLAIM THE U.S. MISMANAGED THEIR OIL AND GAS LEGACIES IT PROMISED TO PROTECT

(By Marguerite Michaels/Shawnee)

Ruby Withrow remembers the happy days she spent as a young child on her grandfather Moses Bruno's 80-acre homestead near Shawnee, Okla. There the extended Bruno family, members of the Potawatomi tribe, tended large gardens of vegetables and fruits and raised chickens, hogs and cows. On Sundays the whole family attended the Sacred Heart Catholic Mission just down the road. But all that changed soon after oil was discovered on the Bruno property.

Lease agreements were arranged with oil producers, wells were dug, and pumping began in 1939. But family members say Grandpa Bruno never knew how much oil and gas were being taken out of his land or how much money he was due from their sale. All his royalty payments went into a trust fund managed by the Bureau of Indian Affairs (BIA). If Bruno needed to buy something, he had to appeal to the local BIA agent, and he was rarely given cash. When he wanted to buy a cow, the price was deducted from his account and given directly to the seller. When he bought groceries, he paid for them with a BIA voucher.

The wells were plugged just 28 months later—Bruno family members say the wells' operator never gave a reason for ending production—but in that short time, they say, the soil was ruined, and the Brunos were able to grow hardly anything on it. Younger family members moved away to find jobs, and the old folks limped along on public assistance until 1960, when Bruno and his wife Frances died within a month of each other. Their heirs decided to sell what remained of the land the next year.

Such stories are common among Native Americans. Like legions of others, Bruno acquired his holdings under the Dawes Act of 1887. Its allotment program was an effort by Congress to break up the tribal structure by encouraging self-sufficiency among the Indians. The Dawes Act mandated that the land given to Natives be managed by the Department of the Interior's local BIA agent and promised that any profits from the property would be held in trust for its owners. The problem, say hundreds of families like the Brunos, is that the owners received relatively little of the money coming to them.

Over the past decade, many of the families have begun actively pursuing what they say is their rightful legacy. In 1996 Elouise Cobell, a member of the Blackfeet tribe, filed a \$135 billion class action against the U.S. government, claiming that billions of dollars belonging to some 500,000 Native Americans and their heirs had been mismanaged or stolen from accounts held in trust since the late 19th century. Through document discovery and courtroom testimony, the Cobell case revealed mismanagement, ineptness, dishonesty and delay by federal officials, leading U.S. District Judge Royce Lamberth to declare their conduct "fiscal and governmental irresponsibility in its purest form."

The BIA holds 11 million acres in trust for individual Native Americans. Money from timber sales and agricultural and oil leases

of this property is distributed under the same program that dealt with Moses Bruno. Five years ago, his descendants began tracking their patrimony. Their experience shows how difficult it can be to prove past wrongs and have them redressed.

Family members say Moses Bruno was never allowed to see his oil and gas account ledgers. It might not have done him much good if he had been, given that, like many Indians of his generation, he had never learned to read and could write only his name. When his eldest son Johnnie argued that the government was robbing him blind, the older man insisted that the Indian-agency people would never cheat him.

After World War II, Bruno's children tried to sue the oil company for saltwater damage to their soil caused by the pumping from the wells. "But even though my dad Johnnie took photos," says Ruby Withrow, 69, "we couldn't prove Moses had not allowed the salty runoff. There was no paper trail at that time." Nor was there money to pay for a lawyer. Over the years, family members looked for documents that could prove the bureau had treated Moses Bruno badly. They went to the National Archives in Washington, visited historical societies in Oklahoma and requested records from BIA offices in Shawnee and nearby Anadarko, Okla. Always they were told that few records were available.

The Cobell case reassured the Brunos that others had had similarly unhappy experiences with their BIA trust funds and motivated them to dig deeper for documents to support their complaints. Finally, after a 16-hour marathon on the Internet in the fall of 1998, Dana Dickson, Ruby Withrow's daughter, discovered on an obscure Indian arts-and-crafts site a link to Oklahoma Indian-agency files located at the regional National Archives in Fort Worth, Texas. A family delegation immediately made the trip. "I'll never forget the first time we went down there," says Dickson's cousin Johnnie Flynn. "Dana and I were pulling file after file. One of them was Moses Bruno's. It was three inches thick. I stopped and looked over at my mother and my Aunt Ruby. There were tears streaming down their faces."

They found grocery receipts and bills from JCPenney for socks at 15[cents] a pair and a coat for \$14.66. The purchase order from the Indian agency for Moses' first car was there, as were numerous voucher slips endorsed with his tentative, spidery signature. Most important, there were pages of ledger sheets detailing his individual BIA money account.

More than half a dozen visits later, Moses' grandson Leon Bruno has accumulated enough photocopies of documents to fill 19 loose-leaf notebooks. Papers show that Moses' entire 80-acre allotment first came under an oil lease in 1923. Six years later, according to BIA documents, 20 of those acres were sold to two local white men for \$1,311, or \$65.55 an acre. The family has found contradicting government estimates of the land's royalty value at the time, ranging from \$50 to \$400 an acre. And documents are unclear about whether Moses Bruno understood before the transaction was completed that the land was being sold. A well was drilled on these 20 acres in 1933 and still pumps to this day.

In 1931 Bruno got permission from the BIA to withdraw 20 separate acres of his allotment from the trust, and he began selling percentages of his oil and gas royalty interest. Four wells were eventually drilled on the remaining BIA-controlled 40 acres and pumped from March 1939 to the end of 1941. It was the practice then for oil companies to send royalty-payment checks for Indian-owned property directly to the superintendent of the local BIA office. Each day the Shawnee office made a deposit via cer-

tified mail to the Federal Reserve Bank in Oklahoma City, Okla. The deposit sheet listed the source of each check, its amount and the day's total deposits. Daily entries were also made in the office's cash-receipts journal, registering the payment to each individual Indian account on a ledger card.

Sorting through those old documents, with the lingering resentments the families have toward the BIA, can be confusing. When Dana Dickson began comparing the amounts posted to her great grandfather's ledger card with the sums on the deposit sheets for the same days, she discovered that 10% was routinely funneled from the oil check to a special-deposit account. Dickson and her relatives suspected that corrupt agents were taking the money for themselves. But Ross Swimmer, a Department of the Interior ombudsman working on behalf of Indian-trust beneficiaries, told TIME that the deduction, which was not exclusively to Moses Bruno's account, was simply a fee that the BIA charged for managing the oil and gas properties held by the trust funds.

Nearly two years after the elder Brunos died in 1960, a Shawnee bureau agent suggested that the family sell its remaining 40 acres, along with the property's mineral rights. "[The minerals have only a] nominal value," the agent wrote in a letter to the regional BIA office in Anadarko. The family signed off on the sale, netting a \$3,022.50. In 1982 a new oil well was drilled on that land and is still pumping.

The Bruno family acknowledges the pressure the BIA was under during the oil-boom years. In the 1935 annual report of the Shawnee agency, the superintendent called his office "woefully undermanned," handling 1,500 Indian money accounts with only one clerk, who had no modern account machines. "Maybe there were some mistakes made," says Leon Bruno. "[But] a lot of what went on was deliberate." The family estimates that Moses Bruno earned a total of \$35,000 from his oil and gas leases. The production figures the descendants unearthed, on just one well on the land that was sold in 1993, amount to almost \$70 million.

It is not clear whether the family will ever receive compensation for any miscalculations that may have been made on their land sales and oil leases. Elouise Cobell's class action has stalled in the face of the Department of the Interior's estimate that it would take five years and \$335 million just to account for the money from land and mineral leases covering a period of more than 100 years. And Congress is balking at the expense—even though its committees have issued more than one report over the years about gross mismanagement of Native American trust funds. In December the Bruno descendants decided to withdraw from the Cobell suit and hired a lawyer to pursue their own.

"It's not about the money," says Moses' granddaughter Ruby Withrow, a nurse who administers a diabetes program for the Absentee Shawnee tribe. "I want some justice for a man who trusted the United States and was betrayed." The BIA has looked into the family's claims and says that while the records for Moses Bruno's account may not be complete, "no instance of malfeasance was found in the records that we examined." In a fax to TIME, the agency stated that "understandably, the family did not review these files with a historian's commitment to objectivity."

Still, the search for what happened to Moses Bruno's land has produced a new sense of equanimity for his family. There have been several meetings to bring all the descendants—some 200 plus—up to date on the stories the documents tell. Leon Bruno has started a nonprofit corporation, funded by

garage sales, raffles and donations from family and friends, that he hopes will eventually allow the family to pay for an organized study of its Potawatomi culture and language. He and his wife Veta attend the annual gatherings of the nine Potawatomi bands, now scattered over several states. Leon has gone through the training and fasting that are required of those chosen as the tribe's honored fire keepers. And he has built a roundhouse on his property in Tecumseh, OK, where family members gather four times a year to light a sacred fire and pray for the memory of their ancestor Moses Bruno.

#### HONORING MONROE SWEETLAND

Mr. REID. Mr. President, I would like to say a few words about a citizen of the great western part of America, Monroe Sweetland.

Monroe lives in Oregon, where he has enjoyed a wonderful life of public service. He has been a State Senator, a national leader of teachers, a journalist, and the publisher of a number of small newspapers.

He served in the Pacific with the Red Cross during World War II. After returning home he became the political director for the National Education Association in the western States.

He was a confidant of Eleanor Roosevelt and an ally of President Harry Truman.

His home in Milwaukie, OR, which was built in 1878, is a historic landmark. That isn't just because it is an old house, but also because of the many important people who visited him there.

The most famous visitor was President John Kennedy. In fact, I have been told that Monroe's wife Lillie was the person who suggested to JFK that a rocking chair would ease the pain in his back.

Others who visited Monroe and Lillie included Vice President Hubert Humphrey, Ambassador John Kenneth Gailbraith, and Senators Wayne Morse, "Scoop" Jackson and Estes Kefauver.

Monroe recently turned 94 years old. Although he has been legally blind for several years, he is fond of saying that he has lost his sight, but not his vision. As a former newsman, he still enjoys having the paper read to him by visitors.

He has been called the father of the modern Democratic Party in Oregon, and a founding father of Portland State University.

He is also responsible, more than any other person, for a very important piece of Federal legislation—the Bilingual Education Act of 1968.

That law opened the doors of education and opportunity to young people in the West and other parts of the country who are native speakers of Spanish.

Up until then, these students were often placed in classes where they couldn't understand what was going on, with disastrous results. But in the early 1960s a number of innovative programs began to spring up, including a successful one at Pueblo High School in Tucson.